GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Higher Education Department - Comply with the orders dated:28.12.2004 in W.P.No.4944 of 2004 of the Hon'ble High Court of A.P - Permission - Accorded - Orders - Issued.

HIGHER EDUCATION [CE] DEPARTMENT

G.O.Rt.No.122 **Dated:26/07/2022**

Read the following:-

1.From the CCE, Vijayawada, Lr.Rc.No.06/UGC-PF/ 2021, dated: 21.01.2022.
2.Report of the APSCHE in e-fle.No.1660260.
3.Govt. Memo. No.1660260 /CE.A2/2022, H.E.(C.E.) Dept., Dated: 22.04.2022.
4. From the CCE, AP, Lr.Rc.No.06/UGC. PF/2021, dated:11.05.2022

ORDER:

In the reference 1st read above, the Commissioner of Collegiate Education, A.P has informed that Sri Y. Ranganayakulu was appointed by the Management of VRS & YRN College, Chirala as Junior Lecturer in History with effect from 09.10.1974 against the lien vacancy in the scale of Rs.200-500. As per the entry recorded in the Service Register he was admitted to Gant in aid with effect from 09.10.1974 vide DCE's Procs.Rc.No.2190/PC.I-2/1990, dated: 07.02.1991.As per the provisions contained in G.O. Ms.No.1072, Edn, dt.26-11-76, he was allowed UGC Scales of Pay 1976, by fixing his pay at the minimum of Rs. 700/- in the scale of Pay of Rs. 700-1600 w.e.f. 09.10.1977 i.e, after completion of 3 years of service as Junior Lecturer which means the incumbent is re-designated as Lecturer only with effect from 09.10.1977. The Secretary& Correspondent of the College without any authority and permission of the DCE/ Government has re-designated him as Lecturer w.e.f. 09.10.1974. As per the inter se seniority list prepared by the Correspondent, VRS & YRN College, Chirala, basing on his date of redesignation as Lecturer w.e.f. 09.10.1977, he was placed below the persons who were already appointed as Lecturers from their initial appointment itself. The incumbent has requested the CCE to file the seniority by reckoning the service from the date of his appointment in VRS & YRN College, Chirala, Prakasam District i.e. 09.10.1974 with all consequential benefits such as CAS and Principal promotion. On the above grounds, his request has been rejected vide C.C.E. Proceedings Rc.No.650/Admn.III-1/1997, dated:25.09.2003.

2. The incumbent has filed W.P.No.4944 of 2004 and the Hon'ble High Court has set aside the said proceedings and while issuing the Judgment the Hon'ble High Court referred the Common judgments dated: 23.12.2003 in W.P.Nos.16549 of 1992 & W.P.No.4583 of 1993. Relying on the common the Official Respondents filed Writ Appeal Nos.1016 & 1374 of 2004 and 1176 & 1287 of 2005 before the Division Bench of the Hon'ble High Court. The Hon'ble High Court in its judgement dated: 17.09.2013 dismissed the Writ Appeals and ordered that the Writ Petitioners are entitled for counting of service rendered by them prior to 01.04.1976 for the purpose of granting CAS benefits. Consequent on dismissal of Appeals the Official Respondent fled SLP. No. 14215-14218 of 2015, before the Hon'ble Supreme Court and the SLP was dismissed on the ground of delay on 14.08.2015.

3. In the reference 2nd read above, the AP State Council of Higher Education has categorically stated that the service rendered by Sri Y.Ranganayakulu, Lecturer in History, VRS & YRN College, Chirala be reckoned with effect from 09.10.1974 for the purpose of Career Advancement Scheme (CAS) vide G.O.Ms.520 Education dated 15.12.1988.

(Contd on p.2)

However, the important eligibility criterion for Senior Scale / Selection Grade, i.e, attending 2+2 Refresher Courses of approximately 4 weeks duration each during the period under consideration. Sri.Y.Ranganayakulu completed the 4 refresher courses on 23.10.2001 and becomes eligible for Selection Grade from this date only and advised to issue speaking orders and file counter affidavit before Hon'ble High Court of A.P in C.C.No.6 of 2015 filed in W.P.No.4944 of 2004.

4. In the reference 3rd read above, Government have advised the Commissioner of Collegiate Education, A.P to issue speaking orders and file counter affidavit in C.C.No.6 of 2015 filed in W.P.No.4944 of 2004 as per advice of the Andhra Pradesh State Council for Higher Education.

5. In the reference 4th read above, the Commissioner of Collegiate Education, A.P has informed that all the legal options viz., Writ Appeal and subsequent SLP filed in this regard have been dismissed and since all the legal opportunities have been exhausted, the Department has no other alternative except to implement the orders. In this juncture, if a rejection order is once again issued, it may aggravate the legal complications and requested to issue necessary instructions to comply orders dated:28.12.2004 in W.P.No.4944 of 2004 of the Hon'ble High Court of A.P.

6. Thus, after careful examination of the matter, w.r.t the directions of the Hon'ble Supreme Court of India dated.14.08.2015 in Special Leave Petition (C). No. 14215-14218 of 2015, Government hereby accord permission to the Commissioner of Collegiate Education, A.P to comply with the orders dated:28.12.2004 in W.P.No.4944 of 2004 of the Hon'ble High Court of A.P to reckon the service of Y. Ranganayakulu, Lecturer in History, VRS & YRN College, Chirala with effect from 09.10.1974.

7. This order applies for the above mentioned candidate only and shall not be taken as a precedent for future cases.

8. The Commissioner of Collegiate Education, A.P shall take necessary action in the matter.

9. This order issues with the concurrence of the Finance Dept. vide their U.O.No: FIN01-HR0PCTA/18/2022-PC-TA. (Computer No: 1641821), Dated: 25.07.2022.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.SYAMALA RAO
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Collegiate Education,
Andhra Pradesh, Vijayawada.

Copy to:
The Secretary, Andhra Pradesh State Council for Higher Education,
Mangalagiri.
The Accountant General, A.P, Vijayawada,
The Pay and Accounts Officer, Ibrahimapatnam, Krishna Dist. A.P.,
The Director of Treasuries and Accounts, A.P,Vijayawada,
The P.S to Secretary to C.M,
The OSD to Min[Education]
The P.S to Prl.Secretary to Govt, H.E.Dept.
The G.P for H.E.Dept, High Court of A.P.(w.r. t .C.C.No.6 of 2015).
Finance [HR-I] Dept
Sc/Sf.

// FORWARDED:: BY ORDER//

SECTION OFFICER